



responses, see Order (#21), as proffered by the government at the hearing. Finding (1) that claimant has been adequately warned by Judge Cayer in his Recommendation of the consequences of failing to pursue his claims, (2) that claimant has failed to provide required discovery, and (3) that he ultimately failed to appear for the final pretrial conference, the court will strike Mr. Benton's claim and Answer as provided by Rule G(8)(c)(i) and enter judgment in favor of the government condemning and forfeiting defendant United States Currency to the United States for the reasons set forth in the verified Complaint, and the affidavit attached in support thereof, which establish that such funds are the proceeds of, or were used or intended to be used, to facilitate violations of Title II of the Controlled Substances Act, 21 U.S.C. §§801 *et seq.*, and are therefore subject to forfeiture to the United States pursuant to 21 U.S.C. §881(a)(6).

Finally, in accordance with Rule 37, Fed.R.Civ.P., the court has reviewed all other possible sanctions and determined that nothing short of striking claimant's claim will suffice as claimant has been provided every opportunity to provide essential discovery to support his claim, been previously warned, and has utterly ignored the discovery requests of plaintiff and Orders of this court.

## **ORDER**

**IT IS, THEREFORE, ORDERED** that

(1) plaintiff's Motion to Dismiss Claim (#17) and in-court Motion to Dismiss and for Default Judgment are **GRANTED**,

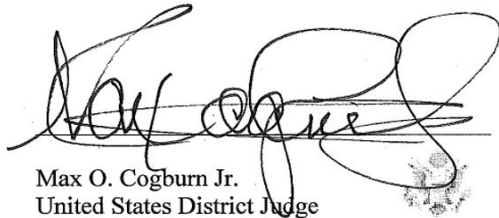
(2) the Memorandum and Recommendation (#21) is **AFFIRMED** in its entirety, and Judge Cayer's Recommendation that the claim of Mr. Benton be dismissed for non-compliance with the Order compelling discovery is **ACCEPTED**;

(3) the Claim and Answer filed by Mr. Benton are **STRICKEN**; and

(4) the Clerk of Court shall enter **JUDGMENT** in favor of the government and against Mr. Benton, as well as all other potential claimants, that defendant \$88,125.00 in United States Currency is **CONDEMNED** and **FORFEITED** to the United States of America for disposition in accordance with law.

This action is terminated.

Signed: January 24, 2013



Max O. Cogburn Jr.  
United States District Judge